

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CHARLIE BRANNER, JR.,

Plaintiff,

VS.

**WARDEN JERMAINE WHITE,
et al.,**

Defendants.

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NO. 5:18-CV-00420-MTT-CHW

ORDER

Pro se Plaintiff Charlie Branner, Jr., an inmate presently incarcerated at the Washington State Prison in Davisboro, Georgia, filed a Complaint seeking relief in this Court pursuant to 42 U.S.C. § 1983 (ECF No. 1). On January 10, 2019, Plaintiff was ordered to provide the Court with a certified copy of his prison trust fund account information and to recast his statement of claims in accordance with the Court's directions. Plaintiff was given twenty-one (21) days to comply, and he was warned that the failure to fully and timely comply could result in the dismissal of his Complaint. Order, Jan. 10, 2019, ECF No. 7.

The time for compliance passed without a response from Plaintiff. Plaintiff was thus ordered to respond and show cause why his lawsuit should not be dismissed for failing to comply with the Court's orders and instructions. Plaintiff was again given twenty-one (21) days to comply, and he was again warned that failure to respond to the Court's order would result in the dismissal of his Complaint. Order, Mar. 13, 2019, ECF No. 8.

In response to the Court's show cause order, Plaintiff filed a "motion to withdraw complaint without prejudice," which the Court construed as a motion to voluntarily dismiss the above-captioned proceeding (ECF No. 9). In this motion, Plaintiff explained that he had been having trouble obtaining his legal mail in a timely manner and that he had not yet been able to obtain a copy of his prison trust fund account statement. Motion Withdraw, Apr. 4, 2019, ECF No. 9. Given these allegations, Plaintiff was given one final opportunity to comply with the Court's prior orders and instructions. Plaintiff was also advised that if he did not wish to proceed with this action, he should notify the Court so that his earlier motion for voluntary dismissal could be granted. Order, Apr. 11, 2019, ECF No. 10.

On May 6, 2019, Plaintiff notified the Court that he "would like to voluntarily dismiss his Complaint." Resp. 1, ECF No. 11. Under the Federal Rules of Civil Procedure, Plaintiff is entitled to a voluntary dismissal without prejudice as a matter of right. *See* Fed. R. Civ. P. 41(a)(1). Plaintiff's motion to dismiss (ECF No. 9) is therefore **GRANTED**, and his Complaint is **DISMISSED without prejudice**. Plaintiff's motion to proceed *in forma pauperis* (ECF No. 2) may be terminated as **MOOT**.

SO ORDERED, this 21st day of May, 2019.

S/Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT